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FILED

JAN 23 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

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JAN 21 2004

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
WESTERN DIVISION

CATHOLIC SOCIAL SERVICES, INC.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

TOM RIDGE, SECRETARY
U.S. DEPARTMENT OF HOMELAND
SECURITY, ET AL.,

Defendants.

Case No. Civ S-86-1343-LKK

ORDER APPROVING
SETTLEMENT OF CLASS ACTION

[Proposed]

Hearing: January 23, 2004.
Time: 10:00 a.m.

1 This matter is before the Court pursuant to the parties' Joint Motion to Approve
2 Settlement of Class Action. The Court has read and considered the parties' motion, the
3 comments and objections of putative class members to the proposed settlement, and the
4 parties' joint response to those objections. The Court finds that the proposed settlement
5 fully and fairly resolves the claims of class members herein and that it should
6 accordingly be approved.

7 Rule 23(e) of the Federal Rules of Civil Procedure provides: "A class action shall
8 not be dismissed or compromised without the approval of the court, and notice of the
9 proposed dismissal or compromise shall be given to all members of the class in such
10 manner as the court directs."

11 "Although Rule 23(e) is silent respecting the standard by which a proposed
12 settlement is to be evaluated, the universally applied standard is whether the settlement
13 is fundamentally fair, adequate and reasonable." *Officers for Justice v. Civil Serv. Comm'n*
14 *of San Francisco*, 688 F.2d 615, 625 (9th Cir. 1982), cert. denied, 459 U.S. 1217 (1983). It is the
15 settlement taken as a whole, rather than the individual component parts, that must be
16 examined for overall fairness. *Class Plaintiffs v. City of Seattle*, 955 F.2d 1268, 1276 (9th Cir.
17 1992), cert. denied, 506 U.S. 953 (1992). There is a "strong judicial policy that favors
18 settlements, particularly where complex class action litigation is concerned." *Id.*

19 Applying these standards to the settlement before it, the Court begins by noting
20 that this matter has been vigorously litigated for over 17 years. There is no suggestion of
21 collusion between the negotiating parties to the detriment of absent class members. See
22 *Officers for Justice, supra*, 688 F.2d at 625 ("the court's intrusion upon what is otherwise a
23 private consensual agreement negotiated between the parties to a lawsuit must be
24 limited to the extent necessary to reach a reasoned judgment that the agreement is not
25 the product of fraud or overreaching by, or collusion between, the negotiating
26 parties...").

27 The parties have notified the class of their settlement in accordance with the
28

1 Court's order. See Order re: Settlement of Class Action, September 23, 2003. The period
2 to object to the settlement ended on December 29, 2003. *Id.* Though the precise size of the
3 certified class is unknown, it undoubtedly comprises thousands of class members. As of
4 January 12, 2004, two putative class members Mohammad Z. Shah and Carlos Aragon
5 Hurtado, have objected to or commented on the settlement.

6 Mr. Hurtado does not object to the settlement, but instead writes that the
7 Immigration and Naturalization Service (INS) denied him legalization under the IRCA's
8 Special Agricultural Worker Program (SAW). See 8 U.S.C. § 1160. For the reasons set out
9 in the parties' Joint Report re: Objections to Settlement of Class Action, filed January 20,
10 2004, the Court finds that nothing in Mr. Hurtado's comment warrants the Court's
11 disapproving the settlement.

12 Mr. Shah asserts, among other things, that he was refused entry into the United
13 States when he returned from a trip abroad in 1998 despite being granted advance
14 parole. He objects that the settlement will not benefit individuals in his circumstance: *i.e.*,
15 persons who are not now present in the United States despite having been granted
16 advance parole.

17 The parties disagree over whether individuals in Mr. Shah's circumstances will
18 benefit under the settlement: Plaintiffs contend that Mr. Shah and those similarly
19 situated will be entitled to apply for class membership pursuant to the settlement and, if
20 they establish class membership, to pursue their applications for legalization under 8
21 U.S.C. § 1255a. Defendants assert that persons outside the United States are also outside
22 the scope of the settlement. The Court finds it unnecessary to resolve this disagreement.

23 Mr. Shah states that he departed the United States pursuant to advance parole,
24 and if this is so he could arguably avail himself of the procedure set out in 8 C.F.R. §
25 245a.2(m)¹ to seek readmission to the United States. See *Reno v. Catholic Soc. Servs.*, 509
26

27 ¹ 8 C.F.R. § 245a.2(m)(1) provides:
28

1 U.S. 43, 67 n.29 (1993) (in this case class members “applied” for legalization at the time
2 they were front-desked or constructively front-desked). Should defendants readmit him,
3 then their argument for denying him the benefits of the settlement would be moot.
4 Further, in any settlement as complex as that before the Court, there is the potential for
5 differing interpretation. The settlement itself anticipates such disagreements and
6 establishes procedures for their resolution. See Settlement ¶¶ 8-9, 18.

7 At this juncture, Mr. Shah does not appear to have asserted his rights, if any,
8 under 8 C.F.R. § 245a.2(m); he has not yet applied for class membership; defendants
9 have not yet denied him benefits under the settlement; nor has he yet availed himself of
10 the settlement’s dispute resolution procedures. The claims of Mr. Shah and those
11 similarly situated will be fit for judicial resolution when and if defendants deny them the
12 benefits of the settlement because they are outside the United States. It is neither
13 necessary nor appropriate that the Court resolve such potential claims now. *Cf. Reno v.*
14 *Catholic Social Services*, 509 U.S. 43, 58-59 & n.19 (“[A] class member’s claim would ripen
15 only once he took the affirmative steps that he could take before the INS blocked his
16 path by applying the regulation to him.”).

17 Yet even assuming, *arguendo*, that Mr. Shah were excluded from its coverage, a
18 question this Court does not resolve at this time, the settlement would nevertheless
19 satisfy Rule 23. As has been said, the test under Rule 23 is whether the settlement *taken as*
20 *a whole*, rather than the individual component parts, is fair. *Class Plaintiffs v. City of*
21 *Seattle*, *supra*, 955 F.2d at 1276. “Ultimately, the district court’s determination is nothing
22 more than ‘an amalgam of delicate balancing, gross approximations and rough justice.’”
23

24
25 During the time period from the date that an alien’s application establishing
26 *prima facie* eligibility for temporary resident status is reviewed at a Service
27 Legalization Office and the date status as a temporary resident is granted, the
28 alien applicant can only be readmitted to the United States provided his or her
departure was authorized under the Service’s advance parole provisions
contained in § 212.5(f) of this chapter.

1 Officers for Justice, *supra*, 688 F.2d at 625 (quoting *City of Detroit v. Grinnell Corp.*, 495 F.2d
2 448, 468 (2d Cir. 1974)).

3 Were the Court to disapprove the settlement because defendants may oppose the
4 claims of what the parties agree is a minuscule number of putative class members who
5 are no longer in the United States, thousands of class members who reside in the United
6 States at the time they apply for class membership and have a vital interest in the
7 settlement would be denied crucial benefits and compelled to continue a 17-year
8 litigation to an uncertain conclusion. Weighing these relative costs and benefits, the
9 settlement clearly meets the requirements of Rule 23.

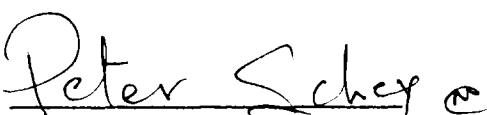
10 Based on the foregoing, and for the reasons set forth in the parties' Joint Motion to
11 Approve Settlement of Class Action, the Court finds that the settlement is fundamentally
12 fair, adequate and reasonable. Accordingly,

13 IT IS HEREBY ORDERED that the settlement is approved.

14
15 Dated: 1/23, 2004.

16 
17 United States District Judge

18 Presented by:

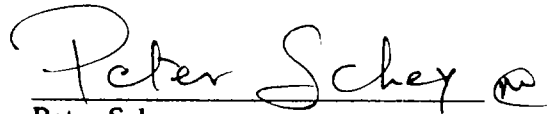
19 
20 Peter A. Schey
21 Carlos R. Holguin
22 Counsel for plaintiffs

23 ///

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2004, a copy of the foregoing
[Proposed] Order was served on counsel of record for Defendants via facsimile and U.S.
mail, first class postage prepaid, to the following address:

Earle Wilson
Office of Immigration Litigation
Civil Division
U.S. Department of Justice
P.O. Box 878, Ben Franklin Station
Washington, D.C. 20044


Peter Schey

///

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
WESTERN DIVISION

CATHOLIC SOCIAL SERVICES, INC.,
et al.,

Plaintiffs

TOM RIDGE, Secretary, U.S. Department
of Homeland Security, et al.,

Defendants

CIV. NO. S-86-1343 LKK

JOINT STIPULATION
REGARDING SETTLEMENT

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
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24 Of Counsel

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16 Berkley, CA 94710

27 COUNSEL FOR PLAINTIFFS

1 Plaintiffs and Defendants, by and through their undersigned counsel, hereby agree and
2 stipulate as follows:

3 1. Class Definition

4 The following subclasses are entitled to relief pursuant to this Settlement Agreement.

5 A. All persons who were otherwise prima facie eligible for legalization under section
6 245A of the INA, and who tendered completed applications for legalization under
7 section 245A of the INA and fees to an INS officer or agent acting on behalf of
8 the INS, including a QDE, during the period from May 5, 1987 to May 4, 1988,
9 and whose applications were rejected for filing because an INS officer or QDE
10 concluded that they had traveled outside the United States after November 6, 1986
11 without advance parole.

12 B. All persons who filed for class membership under Catholic Social Services, Inc. v.
13 Reno, CIV No S-86-1343 LKK (E D Cal.), and who were otherwise prima facie
14 eligible for legalization under Section 245A of the INA, who, because an INS
15 officer or QDE concluded that they had traveled outside the United States after
16 November 6, 1986 without advance parole were informed that they were ineligible
17 for legalization, or were refused by the INS or its QDEs legalization forms, and
18 for whom such information, or inability to obtain the required application forms,
19 was a substantial cause of their failure to timely file or complete a written
20 application.

21 For purposes of the class definition as used in subparagraph B, the phrase "filed for class
22 membership" shall be determined in accordance with 8 C.F.R. § 245a.10.

23 2. Notice to Defendants' Employees

24 Commencing within fourteen (14) days of the date on which this Settlement Agreement is
25 approved by the district court, Defendants shall use good faith and reasonable efforts to distribute
26 this Settlement Agreement or a summary attached as Exhibit 1 to all of their officers, agents and
27 employees responsible for processing class membership claims or who may in the course of their
duties supervise officers who detain or remove putative class members. Defendants shall use
good faith and reasonable efforts to serve Class Counsel with copies of all supplemental
instructions or guidelines issued their officers, agents or employees regarding implementation of
this Settlement Agreement.

3. Notice to Class Members

In the event that this agreement is approved by the district court, Defendants shall, within
sixty (60) days from the date of the court's approval, issue a press release and a Class Notice in
English and Spanish (the texts of which are attached as Exhibit 2) announcing this Settlement
Agreement. The press release, Class Notice, and Class Member Applications (attached as
Exhibit 3) shall be distributed to the media and community-based organizations according
to BCIS's normal procedure for doing so, with a copy of these lists provided to Class Counsel.
The press release, Class Notice and Class Member Applications shall be posted on Defendants'
web site until the end of the application period referenced in paragraph 4 below. The press
release, Class Notice and Class Member Applications shall also be made available at Defendants'
district offices until the end of the application period referenced in paragraph 4 below. Within
sixty (60) days of the district court's approval of this Settlement Agreement and during the
remainder of the application period specified in paragraph 4, Defendants shall make available to

1 all persons, upon request, a copy of Form I-687, Class Member Applications and instructions,
2 and Form I-765.

3
4 4. Application Period.

5 In the event that this agreement is approved by the district court, the Defendants shall,
6 within thirty (30) to sixty (60) days after the issuance of Notices required in paragraph 3 above,
7 commence accepting CSS Class Membership Applications, and Form I-687, Application for
8 Status as a Temporary Resident, with fee and supporting documentation, from class member
9 applicants. Defendants shall continue to accept such applications for class membership and
10 temporary permanent residence for a period of one year thereafter, and no longer. Applications
11 shall be deemed filed on the date postmarked in accordance with the provisions at 8 C.F.R. §
12 245a.12(a).

13
14 5. Filing of Applications.

15 Individuals asserting a claim for relief under this Settlement Agreement shall file a CSS
16 Class Membership Applications, and a Form I-687, Application for Status as a Temporary
17 Resident, with fee and supporting documentation.

18 The fee for filing a Form I-687 shall be the fees applicable by regulation or Federal
19 Register Notice at the time of filing the application(s). (The fee for filing a Form I-687, which
20 has not changed since 1986, is currently \$185 per person with a family cap of \$420, but may be
21 changed to reflect the current cost of adjudication). The fee for fingerprinting is currently \$50
22 and the fee for filing Form I-765, Application for Employment Authorization, is currently \$120.
23 Except as provided for in paragraph 10, applicants seeking employment authorization must file a
24 Form I-765 with fee if they wish to receive an employment authorization document.

25 As to persons who previously filed for class membership, as that term is defined in
26 paragraph 1 above, Defendants shall refund the fee for filing the Form I-687 if such person's
27 application for class membership is denied pursuant to paragraphs 7 and 8 below.

28 As to those individuals who did not previously file for class membership, as that term is
29 defined in paragraph 1 above, there shall be no refund of the fee for filing the Form I-687 if such
30 person's application for class membership is denied pursuant to paragraphs 7 and 8 below.

31
32 6. Adjudication of Applications for Class Membership.

33 CSS Class Membership Applications should be granted if, based on responses to
34 questions asked on the applications, it appears more probable than not that the applicant meets
35 the class definition. A determination that an applicant is a class member is not binding in any
36 manner on Defendants for the purposes of an adjudication on the merits of the application for
37 temporary residence which shall be conducted de novo. Class Member Applications shall not be
38 denied solely because applicants do not possess documentary evidence establishing class
39 membership. Defendants shall treat information and materials submitted in connection with
40 Class Member Application as confidential in accordance with 8 U.S.C. § 1255a(c)(5).

41
42 7. Intended Denials of Class Membership

43 Before denying an application for class membership, the Defendants shall forward the
44 applicant or his or her representative a notice of intended denial explaining the perceived
45 deficiency in the applicant's Class Member Application and providing the applicant thirty (30)
46 days to submit additional written evidence or information to remedy the perceived deficiency
47

8. Denial of Applications for Class Membership.

The Defendants shall send a written notice of the decision to deny an application for class membership to the applicant and his or her attorney of record, with a copy to Class Counsel. The notice shall explain the reason for the denial of the application, and notify the applicant of his or her right to seek review of such denial by a Special Master, on the document attached as Exhibit 4. On review, neither the Defendants nor the applicant shall be permitted to submit new evidence to the Special Master.

9. Review by Special Master.

A. Selection of the Special Master. Each party shall select one person, from a list of three names recommended by the other party, to serve as a Special Master. Appeals from denial of applications for class membership shall be assigned randomly to a Special Master. The two Special Masters shall jointly designate the mailing address for appeals and determine procedures for random assignment.

B. Review of Decisions Involving Determination of Class Membership. Any decision by the Defendants denying an application for class membership may be appealed to a Special Master. Any such appeal must be post-marked within thirty (30) days of the date of mailing of the notice denying the application for class membership. The Special Master's review shall be based on the documents and other evidence submitted by the applicant, and any documentary evidence relied upon by the Defendants in reaching the decision to deny the application for class membership.

The Special Master shall be paid a fee of \$125 for adjudicating each appeal under subparagraph B. Payment of this fee shall be borne by the parties as follows.

- (i) If the appeal involves a denial of class membership based on criminal or security-related grounds, the applicant is responsible for paying the entire fee; and
- (ii) If the appeal involves a denial of class membership on other than criminal or security-related grounds, the fee shall be borne equally by Defendants and the applicant. The applicant's portion of the fee must accompany his or her notice of appeal. Defendants must submit their portion of the fee within thirty (30) days of being notified by the Special Master that an appeal has been duly filed.

C. Review of Other Decisions. An applicant who believes that Defendants have violated his or her individual rights pursuant to paragraphs 3, 4, 5, 7, 10, 12, and 13 of this Settlement Agreement may file a claim with the Special Master. However, prior to filing any such claim, the applicant must advise Defendants by certified mail, or other documented delivery service to an address specified by Defendants, that he or she believes that Defendants have violated his or her rights under Paragraphs 3, 4, 5, 7, 10, 12, and 13. Defendants shall have forty-five (45) days from the date they are notified of the applicant's intent to file a claim under this paragraph in which to investigate and, if appropriate, rectify any deficiency. If fifty (50) days after notifying Defendants of his or her intent to file a claim, the applicant does not receive notice that Defendants have sustained the applicant's challenge, then the applicant may file his or her appeal to the Special Master. Any such appeal must be post-marked within eighty (80) days of the date the applicant advised Defendants of the alleged violation.

1 The Special Master shall be paid a fee of \$65 for adjudicating each appeal under this
2 subparagraph C. The applicant must pay the entire fee at the time he or she files the
3 notice of appeal. If the applicant prevails on the merits of his or her appeal, Defendants
4 must reimburse the applicant the entire fee within a reasonable time after being notified
5 that the applicant prevailed on appeal.

6
7 10. Renewal Employment
8 Authorization Documents.

9 The Defendants shall, without fee, reissue or renew for a period of one year employment
10 authorization for aliens who were previously issued such employment authorization and advance
11 parole pursuant to interim relief orders in Catholic Social Services, Inc. v. Reno, S-86-1343. An
12 applicant shall be entitled to have his or her employment authorization renewed only during the
13 application period and only one time under this provision.

14 11. Adjudication of Applications for Temporary Residence.

15 The Defendants shall adjudicate each application for temporary residence filed on Form I-
16 687 in accordance with the provisions of section 245A of the Immigration and Nationality Act, 8
17 U.S.C. § 1255a, regulations, and administrative and judicial precedents the INS followed in
18 adjudicating I-687 applications timely filed during the IRCA application period. In adjudicating
19 I-687s pursuant to this agreement, Defendants shall utilize the standards set forth in 8 CFR
20 § 245a.18(c), or 8 CFR § 245a.2(k)(4), which ever is more favorable to the applicant. Failure to
21 provide evidence other than affidavits shall not be the sole basis for finding that an alien failed to
22 meet the continuous residence requirement. For purposes of establishing residence and presence
23 in 8 C.F.R. § 245a.2(b), the term "until the date of filing" shall mean until the date the alien was
24 "front-desked" or "discouraged from filing" consistent with the Class Definition. In evaluating
25 the sufficiency of applicant's proof of residence, Defendants shall take into account the passage
26 of time and attendant difficulties in obtaining corroborative documentation of unlawful
27 residence.

28 12. Time for Determining Class Membership
29 and Legalization Applications.

30 A. Defendants shall use good faith and reasonable efforts either to approve
31 applications for class membership or issue notices of intended denials within
32 ninety (90) days. If a notice of intended denial is issued, defendants shall
33 endeavor to issue a final decision on the application for class membership within
34 ninety (90) days after receipt of an applicant's supplemental evidence or
35 explanation, if any.

36 B. Defendants shall use good faith and reasonable efforts to adjudicate class
37 members' I-687 forms within one hundred and eighty (180) days of approval of
38 their application for class membership.

39 C. If the aggregate volume of Form I-687 applications received under this Settlement
40 Agreement and the Settlement Agreement reached in Newman v. DHS, Civ 87-
41 4757-WDK (C.D. Cal), exceeds two hundred forty thousand it is anticipated that
42 the approximate processing times referenced in subparagraphs A and B above will
43 double.

13 13. Removal of Class Applicants from the United States.

2 Defendants shall not remove from the United States or detain any putative class members
3 who appear to be prima facie eligible for class membership under this Settlement Agreement and
4 for legalization under section 245A of the INA. This paragraph shall not apply to any alien who
5 is subject to detention or removal despite his or her having been previously determined to be
6 eligible for class membership. For example, if, after having been deemed a class member, it is
7 found that the alien has been convicted of a crime(s) that render(s) him or her ineligible for
8 legalization, the alien may nevertheless be detained and removed from the United States.

9 14. Reporting on Implementation of This Agreement.

10 Commencing four months after the beginning of the filing period, Defendants shall
11 prepare quarterly reports setting forth the number of Class Membership applications, Forms I-
12 687, and Forms I-765, that were received, approved, denied and pending. Copies of such reports
13 shall be provided to Class Counsel. In the event Defendants believe good cause exists to extend
14 the time periods set forth in paragraph 12 above, Defendants shall provide Class Counsel with a
15 written explanation of such cause and proposed alternative target periods. The parties shall meet
16 and confer in a good faith effort to resolve any disagreements over proposed new target periods
17 prior to petitioning this District Court pursuant to paragraph 18 below.

18 15. Costs and Attorneys Fees.

19 Defendants will pay plaintiffs attorneys fees and costs, as determined by a separate
20 agreement.

21 16. Duration of Agreement.

22 The parties agree that this agreement will become effective on the date it is approved by
23 the Court. The agreement will remain in effect for one year after the Defendants adjudicate the
24 last application for class membership. The Defendants agree to promptly notify Class Counsel of
25 the date it adjudicates the last application for class membership.

26 17. Dismissal of Complaint, Dissolution of Injunctive Orders and Other Decisions.

27 In the event the district court approves this Settlement Agreement, Plaintiffs agree to
28 promptly move the court for dismissal with prejudice of each and every claim of the complaint,
29 as amended, and the dissolution of any injunctive order(s) and other decisions entered by the
30 district court.

31 18. Continuing Jurisdiction.

32 The parties agree that notwithstanding the filing and granting of any motion pursuant to
33 paragraph No. 17, the district court will retain jurisdiction in this action over only the matters
34 described immediately below.

35 A Claims by plaintiffs that the Defendants have engaged in a pattern and practice of
36 refusing to implement any of the relief set forth in this Agreement.

37 B Claims by plaintiffs that the Defendants have expressly repudiated this
38 Agreement.

C. At least sixty (60) days prior to bringing any action pursuant to this provision, the parties shall meet and confer in a good faith effort to resolve any of their differences.


D. Any action under this provision must be brought within one year after the Defendants adjudicate the last application for class membership.

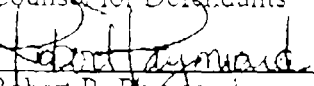
19 Class Counsel

Class Counsel for the purposes of this Settlement Agreement is Peter Schey and Carlos R. Holguin, Center for Human Rights and Constitutional Law, 256 S. Occidental Blvd., Los Angeles, CA 90057, telephone (213) 388-8693, facsimile (213) 386-9494, email amnestycoordinator@centerforhumanrights.org.

20 This agreement is conditioned upon approval by the Secretary of the U.S. Department of Homeland Security, and the Deputy Attorney General, United States Department of Justice.

21 This agreement is subject to approval by the United States District Court pursuant to Federal Rule of Civil Procedure 23.

22 
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202-616-4377
Counsel for Defendants

23 
Robert R. Raymond
Associate General Counsel
U.S. Department of Homeland Security
Bureau of Citizenship and Immigration Services

24 Dated: 4-14-03

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Counsel for Plaintiffs

Dated: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CATHOLIC SOCIAL SERVICES, INC.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

TOM RIDGE, SECRETARY, DEPARTMENT
OF HOMELAND SECURITY, ET AL.,

Defendants.

Case No. Civ S-86-1343-LKK

ATTACHMENT 1

(SUMMARY OF SETTLEMENT)

This is a summary of a settlement filed in this case and approved by the Court on _____, 2003 (hereinafter "CSS settlement").

1. Class definition

The following persons are entitled to benefits under this CSS settlement:

A. All persons who are otherwise prima facie eligible for legalization under § 245A of the Immigration and Nationality Act ("INA"), and who tendered completed applications for legalization under § 245A of the INA and fees to an INS officer or agent acting on behalf of the INS, including a QDE, during the period from May 5, 1987 to May 4, 1988, and whose applications were rejected for filing because an INS officer or QDE concluded that they had traveled outside the United States after November 6, 1986 without advance parole.

B. All persons who filed for class membership under *Catholic Social Services, Inc. v. Reno*, CIV No. S-86-1343 LKK (E.D. Cal.), ("CSS") and who are otherwise prima facie eligible for legalization under § 245A of the INA, who, because an INS officer or QDE concluded that they had traveled outside the United States after November 6, 1986 without advance parole were informed that they were ineligible for legalization, or were refused by the INS or its QDEs legalization forms, and for whom such information, or inability to obtain the required application forms, was a substantial cause of their failure to timely file or complete a written application.

As used in subparagraph (B) the phrase "filed for class membership" includes the spouses and children of persons who actually filed for class membership as provided in 8 C.F.R. § 245a.10.

2. Distribution of CSS settlement or this summary.

The CSS settlement requires that within fourteen (14) days from the date on which the district court approves the settlement, or on which the separate settlement in *Newman et al v.*

1 INS *et al.*, 87-4757-WDK (CWx) (C.D. Cal.), (“Newman”) is approved by the court,
2 whichever is later, the Department of Homeland Security (“DHS”) must use good faith and
3 reasonable efforts to distribute the CSS settlement or this summary thereof to all DHS
4 officers, agents and employees who will be responsible for processing class membership
5 claims. The DHS must also use good faith and reasonable efforts to provide the CSS
6 settlement or summary to all DHS personnel who may in the course of their duties detain or
7 remove individuals who may be CSS class members. DHS must use good faith and
8 reasonable efforts to serve Class Counsel with copies of all supplemental instructions or
9 guidelines it issues regarding implementation of this Settlement Agreement.

10 3. Notice to Class Members

11 The CSS settlement requires the Bureau of Citizenship and Immigration Services (“BCIS”) to
12 issue a press release and a Class Notice in English and Spanish (the texts of which are
13 attached as Attachments 2 and 3) announcing the CSS settlement within 60 days following
14 the court’s approval of the agreement, or the court’s approval of the *Newman* settlement,
15 whichever is later.. The press release, Class Notice, and Class Member Application sheet
16 (attached as Attachment 4) must be distributed to the media and community-based
17 organizations according to the BCIS’s normal procedure for doing so. BCIS shall provide
18 class counsel with a copy of the lists to which these materials are distributed. The press
19 release, Class Notice, Class Member Applications and Appeal to Special Master of Denial of
20 Class Membership shall be posted on the BCIS’s web site until the end of the application
21 period referenced in ¶ 4 below. The press release, Class Notice, Class Member Applications
22 and Appeal to Special Master of Denial of Class Membership shall also be made available at
23 BCIS district offices until the end of the application period referenced in ¶ 4 below. Within
24 60 days of this Settlement Agreement and during the remainder of the application period
25 specified in ¶ 4, BCIS shall make available to all persons, upon request, a copy of Form I-
26 687, CSS Class Member Applications and instructions, and Form I-765.

27 4. Application Period.

28 Within 30 to 60 days after notice is issued to class members under ¶ 3, above, BCIS shall
begin accepting CSS Class Membership Applications and Forms I-687, Application for
Status as a Temporary Resident, with fee and supporting documentation, from class
member applicants. BCIS shall continue to accept such applications for class membership
and temporary residence for a period of one year thereafter, and no longer. Applications
shall deemed filed on the date postmarked in accordance with the provisions at 8 C.F.R. §
245a.12(a).

5. Filing of Applications.

Individuals asserting a claim for relief under the CSS settlement must file a CSS Class
Membership Application and a Form I-687, Application for Status as a Temporary Resident,
with fee and supporting documentation.

The fee for filing all forms in connection with the application process shall be the fees
applicable by regulation or Federal Register Notice at the time of filing the application(s).
Except as provided in ¶ 10 below, applicants must file a Form I-765 with fee if they wish to
receive an employment authorization document.

If a person previously filed for class membership as that term is defined in ¶ 1 above, BCIS

shall refund the fee for filing the Form I-687 if such person's application for class membership is denied. Individuals who did not previously "file for class membership" as that term is defined in § 1 above, shall receive no refund of the fee for filing the Form I-687 if such person's application for class membership is denied.

6. Adjudication of class member applications and legalization applications

The BCIS will approve CSS Class Membership Applications if, based on responses to questions asked on the application, it appears more probable than not that the applicant meets the class definition. A determination that an applicant is a class member is not binding in any manner for the purposes of an adjudication on the merits of the application for temporary residence, which shall be conducted *de novo*. Class Member Applications shall not be denied solely because applicants do not possess documentary evidence establishing class membership. The DHS must treat information and materials submitted in connection with Class Member Application as confidential in accordance with 8 U.S.C. § 1255a(c)(5).

7. Intended Denials of Class Membership

Before denying an application for class membership, the applicant or his or her representative shall be sent a notice of intended denial explaining the perceived deficiency in the applicant's Class Member Application and providing the applicant 30 days to submit additional written evidence or information to remedy the perceived deficiency.

8. Denial of Applications for Class Membership.

The BCIS shall send written notice of a decision to deny an application for class membership to the applicant and his or her attorney of record, with a copy to Class Counsel. The notice shall explain the reasons for the denial of the application and notify the applicant of his or her right to seek review of such denial by a Special Master, on the document attached as Attachment 5, a copy of which should be mailed to the applicant along with the notice of decision. On review, neither the BCIS nor the applicant shall be permitted to submit new evidence to the Special Master.

9. Review by Special Master.

A. Selection of the Special Masters. Each party shall select one person, from a list of three names recommended by the other party, to serve as a Special Master. Appeals from denials of applications for class membership shall be assigned randomly to a Special Master. The two Special Masters shall jointly designate the mailing address for appeals and determine procedures for random assignment.

B. Review of Decisions Involving Determination of Class Membership. Any decision by BCIS denying an application for class membership may be appealed to a Special Master. Any such appeal must be post-marked within 30 days of the date of mailing of the notice denying the application for class membership. The Special Master's review shall be based on the documents and other evidence submitted by the applicant, and any documentary evidence the BCIS relies on in reaching the decision to deny the application for class membership.

The Special Master shall be paid a fee of \$125 for adjudicating each appeal under

subparagraphs (i) and (ii) below. Payment of this fee shall be paid by the parties as follows:

(i) If the appeal involves a denial of class membership based on criminal or security-related grounds, the applicant is responsible for paying the entire fee; and

(ii) If the appeal involves a denial of class membership on other than criminal or security-related grounds, the fee shall be paid equally by the BCIS and the applicant. The applicant's portion of the fee must accompany his or her notice of appeal. The BCIS must submit its portion of the fee within 30 days of being notified by the Special Master that an appeal has been duly filed.

C. Review of Other Decisions. An applicant who believes that DHS has violated his or her individual rights pursuant to §§ 3, 4, 5, 7, 10, 12, or 13 of the Settlement Agreement may file a claim with the Special Master. However, prior to filing any such claim, the applicant must advise the DHS by certified mail, or other documented delivery service to an address specified by DHS, that he or she believes that DHS has violated his or her rights under paragraphs 3, 4, 5, 7, 10, 12, or 13. DHS shall have 45 days from the date it is notified of the applicant's intent to file a claim under this paragraph in which to investigate and, if appropriate, rectify any deficiency. If 50 days after notifying DHS of his or her intent to file a claim, the applicant does not receive notice that defendants have sustained the applicant's challenge, then the applicant may file his or her appeal to the Special Master. Any such appeal must be post-marked within 80 days of the date the applicant advised Defendants of the alleged violation.

The Special Master shall be paid a fee of \$65 for adjudicating each appeal under this subparagraph C. The applicant must pay the entire fee at the time he or she files the notice of appeal. If the applicant prevails on the merits of his or her appeal, DHS must reimburse the applicant the entire fee within a reasonable time after being notified that the applicant prevailed on appeal.

10. Renewal of Employment Authorization Documents

The BCIS shall, without fee, reissue or renew for a period of one year employment authorization to applicants in the class defined herein who were previously issued such employment authorization pursuant to interim relief orders in *Catholic Social Services, Inc. v. Reno*, CIV No. S-86-1343 LKK (E.D. Cal.). An applicant shall be entitled to have his or her employment authorization renewed only during the application period and only one time under this provision.

11. Adjudication of Applications for Temporary Residence.

BCIS shall adjudicate each application for temporary residence filed on Form I-687 in accordance with the provisions of § 245A of the Immigration and Nationality Act, 8 U.S.C. § 1255a, regulations, and administrative and judicial precedents the INS followed in adjudicating I-687 applications timely filed during the IRCA application period. In adjudicating I-687s pursuant to this agreement, BCIS shall utilize the standards set forth in 8 C.F.R. § 245a.18(c), or 8 C.F.R. § 245a.2(k)(4), which ever is more favorable to the applicant. For purposes of establishing residence and presence in 8 C.F.R. § 245a.2(b), the term, "until the date of filing" shall mean until the date the alien was "front-desked" or "discouraged from filing" consistent with the Class Definition. In evaluating the sufficiency of applicants'

1 proof of residence, the BCIS shall take into account the passage of time and attendant
2 difficulties in obtaining corroborative documentation of unlawful residence. An application
shall not be denied solely because the applicant seeks to establish continuous unlawful
residence only with affidavits or declarations.

3 12. Time for Determining Class Membership and Legalization Applications.

4 A. BCIS shall use good faith and reasonable efforts either to approve applications for
5 class membership or issue notices of intended denials within ninety (90) days of receipt. If a
6 notice of intended denial is issued, the BCIS shall endeavor to issue a final decision on the
application for class membership within ninety (90) days after receipt of an applicant's
supplemental evidence or explanation, if any.

7 B. BCIS shall use good faith and reasonable efforts to adjudicate class members' I-687
8 forms within one hundred and eighty (180) days of approval of their application for class
9 membership.

10 C. If the aggregate number of Form I-687 applications received under the CSS settlement
11 and the settlement reached in Newman v. DHS, Civ. 87-4757-WDK (C.D. Cal.), exceeds
240,000, it is anticipated that the approximate processing times referenced in subparagraphs
A and B above will double.

13. Removal of Class Applicants from the United States.

DHS shall not remove from the United States or detain any putative class member who appears to be *prima facie* eligible for class membership under the CSS settlement and for legalization under section 245A of the INA. This paragraph shall not apply to any alien who is subject to detention or removal despite his or her having been previously determined to be eligible for class membership. For example, if, after having been deemed a class member, it is found that the alien has been convicted of a crime that renders him or her ineligible for legalization, the alien may nevertheless be detained and removed from the United States.

14. Reporting on Implementation of This Agreement.

Commencing four months after the beginning of the filing period, BCIS shall prepare quarterly reports setting forth the number of Class Membership applications, Forms I-687, and Forms I-765, that were received, approved, denied and pending. Copies of such report shall be provided to Class Counsel. In the event BCIS believes good cause exists to extend the time periods set forth in ¶ 12, BCIS shall provide Class Counsel with a written explanation of such cause and proposed alternative target periods.

15. Duration of Agreement.

The CSS settlement will remain in effect for one year after the BCIS adjudicates the last application for class membership. BCIS will promptly notify Class Counsel of the date it adjudicates the last application for class membership.

17. Dismissal of Complaint, Dissolution of Injunctive Orders and Other Decisions.

In the event the district court approves the CSS settlement, the plaintiffs will promptly move the court for dismissal with prejudice of each and every claim of the complaint, as amended, and the dissolution of any injunctive order(s) and other decisions entered by the district court.

18. Continuing Jurisdiction.

The district court will retain jurisdiction in this action over only the matters described immediately below.

A. Claims that DHS has engaged in a pattern and practice of refusing to implement any of the relief set forth in the CSS settlement.

B. Claims that DHS has expressly repudiated the CSS settlement.

C. At least sixty (60) days prior to bringing any action pursuant to this provision, the parties shall meet and confer in a good faith effort to resolve their differences.

D. Any action under this provision must be brought within one year after BCIS adjudicates the last application for class membership.

19. Class Counsel.

Class Counsel for the purposes of this Settlement Agreement are Peter Sehey and Carlos R. Holguin, Center for Human Rights and Constitutional Law, 256 S. Occidental Blvd., Los Angeles, CA 90057, telephone (213) 388-8693, facsimile (213) 386-9484, e-mail amnestycoordinator@centerforhumanrights.org.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 CATHOLIC SOCIAL SERVICES, INC.,—
4 IMMIGRATION PROGRAM, ET AL.,

5 Plaintiffs,

7 v.

8 TOM RIDGE, SECRETARY, DEPARTMENT
9 OF HOMELAND SECURITY, ET AL.,

10 Defendants.

Case No. Civ S-86-1343-LKK

ATTACHMENT 2

(CLASS NOTICE)

11 **IMPORTANT CSS CLASS NOTICE**

12 This Notice contains important information about your rights. Please read it carefully.

13 *Who is a CSS Class Member?* You may be a CSS Class Member if —

14 1. You lived unlawfully in the United States from before January 1, 1982, until some time
15 between May 5, 1987 and May 4, 1988 (the application period for the amnesty program)
16 when you (or your parent or spouse) attempted to file a completed application and
17 application fee with a representative of the Immigration and Naturalization Service ("INS")
18 including a Qualified Designated Entity ("QDE"), but had the application and fee refused
by that representative because you had traveled outside of the United States after November
6, 1986, and returned without INS permission, and you were otherwise eligible for
legalization; **or**

19 2. you (or your parent or spouse) applied for a work permit under the CSS case, and during
20 the application period you had been informed by an INS officer or QDE employee that you
21 were ineligible for legalization because you had traveled outside of the United States after
22 November 6, 1986, and returned without INS permission, or were refused by the INS or its
QDEs legalization forms on account of that travel, and that information, or inability to
obtain the application forms, was a substantial cause of your failure to timely file or
complete a written application, and you were otherwise eligible for legalization.

23 QDEs were usually community-based, non-profit organizations (such as Catholic Charities)
24 which were authorized to accept amnesty applications for the INS.

25 *What proof do I need of class membership?*

26 You do not need a copy of your (or your spouse or parent's) original 1987-88 amnesty
27 application to prove you are a class member. You must fill out a CSS "Class Membership
28 Application." You may also submit additional statements or evidence showing that you or
your parent or spouse were turned away by the INS or a QDE between May 5, 1987 and

1 May 4, 1988, such as statements from friends or relatives.

2 *What are the benefits of Class Membership?*

3 Class members may apply for amnesty under the 1986 law. Class members who are eligible
4 for amnesty under the 1986 law, who show that they lived in the United States continuously
5 and unlawfully from before January 1982 until the time the INS turned them away in 1987-
6 88, may be granted employment authorization, permission to travel abroad, and
7 "Temporary Resident Status." Eighteen months later class members granted Temporary
8 Resident Status may apply for permanent resident status.

9 *How do I apply for CSS Class Membership?*

10 You may ask the Bureau of Citizenship and Immigration Services ("BCIS") (the agency
11 which used to be called the INS) or a community organization or lawyer for (1) a "CSS Class
12 Membership Application," and (2) an "Application for Temporary Resident Status (I-687)."
13 These documents are also available on the internet at the BCIS website or at
14 www.centerforhumanrights.org. You must submit the Class Membership and I-687
15 applications to the BCIS between _____, 2003 and _____ 2004.

16 You may contact the lawyers representing the class at (213) 388-8693, ext. 100, or by mail
17 addressed to Center for Human Rights, 256 S. Occidental Blvd., Los Angeles, Ca. 90057, or
18 by email to amnestycoordinator@centerforhumanrights.org
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3 CATHOLIC SOCIAL SERVICES, INC.,—
4 IMMIGRATION PROGRAM, ET AL.,

5 Plaintiffs,

6 v.

7 TOM RIDGE, SECRETARY, DEPARTMENT
8 OF HOMELAND SECURITY, ET AL.,

9 Defendants.
10

Case No. Civ S-86-1343-LKK

ATTACHMENT 3

(CLASS MEMBER CLAIM
AND INSTRUCTIONS)

11 INSTRUCTIONS

12 This claim must be completed by all persons who believe they are CSS class members and wish to
13 apply to legalize their status under the 1986 Immigration Reform and Control Act. You may consult
with a community organization, church group or lawyer to help you fill out this form.

14 **Who is a CSS Class Member?**

15 You may be a CSS Class Member if you:

- 16 (1) lived continuously and illegally in the United States from *before* January 1, 1982, *until* some
17 time between May 5, 1987 and May 4, 1988, when you (or your parent or spouse) visited the INS or a
Qualified Designated Entity (QDE) to apply for the 1986 "amnesty" program, *and*
18 (2) you (or your parent or spouse) were turned away by the INS or the QDE because you (or your
parent or spouse) had, or the INS thought that you had, traveled outside the U.S. after November 6,
19 1986 without INS permission.

20 You may be a class member *whether or not* at the time you (or your parent or spouse) visited an INS
or QDE office to apply for amnesty between May 5, 1987 and May 4, 1988, you had a complete
21 written application and fee ready to be filed.

22 QDEs were usually community-based non-profit organizations (such as Catholic Charities) which
23 were authorized to accept amnesty applications for the INS.

24 **Must I have presented a complete application to the INS during the amnesty application period to
be a class member?**

25 No, but class members (or their parents or spouse) must have visited an INS or QDE office during the
26 amnesty application period (May 5, 1987 to May 4, 1988), advised an INS or QDE official that they
wished to apply for amnesty, advised the INS or QDE (or the INS or QDE believed) that they had
27 traveled outside the United States without INS permission after November 6, 1986, and been told that
they were ineligible to apply for amnesty.
28

1 You may also be a class member if you attempted to file a complete amnesty application and fee with
2 the INS or a QDE during the amnesty application period (May 5, 1987 to May 4, 1988), or your
3 parent or spouse tried to do so, and the application was rejected because you or your parent or spouse
4 had traveled outside the United States without INS permission after November 6, 1986, or the INS
5 believed you had done so.

6 **What proof do I need that I was turned away by the INS during the application period?**

7 You do *not* need a copy of the amnesty application you or your parent or spouse may have filled out
8 or presented to the INS during the 1987-88 application period.

9 Fill in the CSS Class Membership Application, including as much information as you remember
10 about the visit to an INS or QDE office when you were turned away between May 5, 1987 and May
11 4, 1988.

12 While it is not required, you may strengthen your claim if you attach statements from any relatives or
13 friends who know that you were turned away by the INS or a QDE when trying to apply for amnesty
14 during the application period (May 5, 1987 to May 4, 1988). For example, if you are still in contact
15 with someone who went with you to the INS or a QDE when you were turned away, or who helped
16 you fill out an application that was rejected, that person can provide you with a statement explaining
17 what they remember.

18 **What are the benefits of Class Membership?**

19 Persons whom the BCIS (formerly the INS) or the Court determines are class members may apply for
20 employment authorization, travel permits, family unity benefits, Temporary Resident Status, and,
21 later, permanent resident status under the 1986 amnesty law.

22 **How do I obtain the forms to apply for CSS class membership and legalization?**

23 You can obtain the forms from your local BCIS (formerly called the INS) office. Local community
24 groups or an immigration lawyer's office may also have the forms available. You can also obtain the
25 forms from the BCIS web site,

26 <http://www.immigration.gov/graphics/formsfee/forms/index.htm>, or class counsels' web
27 page, www.centerforhumanrights.org.

28 **When must I file my application?**

You must submit the applications to the BCIS between _____, 2003, and
_____, 2004. Applications must be postmarked no later than _____, 2004.

How do I file my application?

You must mail your Class Membership Claim and Form I-687 with a filing fee in the amount of
\$ _____ to the following address: CSS Class Member Claims, Bureau of Immigration and
Citizenship Services, _____. The BCIS will normally respond within 90 days by
either sending you an approval notice, a denial notice, or a notice that it intends to deny your
application unless you provide additional information.

If you receive an approval notice, the BCIS will proceed to decide your I-687 legalization application,
which it should normally do within 120 days of approving the Class Membership Claim.

If the BCIS decides that you are *not* a class member, your I-687 application fee will be refunded.
Your refund will be delayed if you appeal the decision that you are not a class member. If the appeal

1 decides that you are a class member, BCIS will then process your legalization application. If the
2 appeal decides that you are not a class member, your application fee will be refunded.

3 [Note that if you did not apply for a work permit under CSS, your filing fee is not refundable.]

4 **Be sure to keep a copy of everything that you submit to the BCIS and if possible obtain proof of
5 mailing from the U.S. Post Office. You may also send a copy of your application to class counsel
6 at the Center for Human Rights and Constitutional Law, address below.**

7 **What if the BCIS intends to deny my applications?**

8 Applicants whose applications for Class Membership or legalization the BCIS intends to deny will be
9 sent a notice of intended denial and you will have at least 30 days to correct whatever problems the
10 BCIS identifies in either the application for Class Membership or the legalization application.

11 **What if the BCIS denies my applications?**

12 If the BCIS denies your Class Member Claim you may appeal to a Special Master—someone
13 appointed by the Court—to reconsider your Class Member Application.

14 If your application for legalization is denied, you will be sent instructions on how you may appeal
15 that decision administratively.

16 **Will the BCIS use the information in my Class Member Application or legalization application to
17 deport me?**

18 No. Unless you commit fraud, all information you submit in connection with a CSS Class Member
19 Application or legalization application may be used only to decide those applications and not to
20 obtain a deportation order against you.

21 **Will I receive permission to work and travel abroad while my applications are being decided?**

22 Yes, so long as it appears from your applications that you probably meet the requirements of class
23 membership and eligibility for legalization. Individuals to whom the INS previously granted a CSS
24 work permit (whether or not you still have that work permit), are entitled to renew their work
25 authorizations for one year without a fee. You may apply to renew your old work permit at your local
26 BCIS office. You may also apply for advance parole to travel abroad. After that, you may apply to
27 renew work permits or obtain travel documents with a fee until your legalization application has been
28 finally administratively decided.

If you were never issued a CSS work permit and you now want a work permit, you must file a Class
Membership Application, I-687 legalization application, and I-765 application for employment
authorization with all appropriate fees.

***Do not contact the Court for information. For assistance, you may contact the lawyers representing
the class at (213) 388-8693 ext. 100, or by mail at Center for Human Rights, 256 S. Occidental
Blvd., Los Angeles, Ca. 90057, or email amnestycoordinator@centerforhumanrights.org***

CSS/Newman (LULAC) Class Membership Worksheet

Last Name	First Name	Middle Initial	A Number
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Please complete this Class Membership worksheet if you are applying for legalization under the Immigration Reform and Control Act of 1986 (IRCA), 8 U.S.C. § 1255a, pursuant to the settlement agreements reached in Catholic Social Services v. Ashcroft et al. (CSS) or Newman v. Ashcroft et al. (Newman/LULAC).

In order to apply, answer every question on this Class Membership worksheet and staple it, with any attachments, to the top of your completed and signed Application for Status as a Temporary Resident (Form I-687). Please clearly mark your response in the boxes provided below:

- | | YES | NO |
|--|-----|----|
| 1. During the period between May 5, 1987 and May 4, 1988, did you (or a parent or spouse) visit an INS office to apply for legalization, but were turned away because the INS or the QDE believed that (1) you had traveled outside the United States after November 6, 1986, without advance parole. OR (2) you had traveled outside the United States and returned after January 1, 1982, with a visitor's visa, student visa, or any other type of visa or travel document? | | |
| 2. Did you enter the United States before January 1, 1982, and then reside in continuous unlawful status, except for brief absences, from before 1982 until the date you (or your parent or spouse) were turned away by the INS when you (or your parent or spouse) tried to apply for legalization in 1987-88? | | |
| 3. Were you continuously physically present in the United States, except for brief, casual and innocent departures from November 6, 1986 until the date you (or your parent or spouse) were turned away by the INS when you (or your parent or spouse) tried to apply for legalization? | | |
| 4. Have you ever been convicted of a felony or three or more misdemeanors, or have you ever been convicted of crimes, or committed acts which make you inadmissible pursuant to any provision of the Immigration and Nationality Act including but not limited to: 212(a)(2)(A)(i)(I) (crime involving moral turpitude); 212(a)(2)(B) (multiple criminal convictions); 212(a)(2)(C) (controlled substance traffickers); 212(a)(2)(A)(i)(II) (controlled substances); 212(a)(3) (security and related grounds)? | | |

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5. Did you (or your parent or spouse) apply for a work permit or otherwise register for class membership under CSS or Newman/LULAC before October 1, 2000. If "yes," attach copies of any available proof (for example, your CSS or Newman work permit).

YES NO

6. When you (or your parent or spouse) visited the INS or a QDE during the legalization application period, did you (or your parent or spouse) bring with you a completed legalization application and fee?

NOTE: If you answered "Yes" to questions 1, 2, and 3, "No" to question 4, and "Yes" to **either** question 5 or 6, your answers indicate that you may be eligible for legalization under the settlement agreements.

I certify, under the penalty of perjury under the laws of the United States of America, this worksheet and the evidence submitted with it is all true and correct. I authorize the release of any information from my records that the Department of Homeland Security needs to determine eligibility for the benefit I am seeking.

I understand that information I provide in connection with this Class Membership Worksheet is confidential and may not be used to arrest or deport me or for any purpose unrelated to the adjudication of this Class Membership Worksheet except as provided in 8 U.S.C. § 1255a(c)(5).

Signature

Date _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CATHOLIC SOCIAL SERVICES, INC.,—
IMMIGRATION PROGRAM, ET AL.,

Plaintiffs,

v.

TOM RIDGE, SECRETARY, DEPARTMENT
OF HOMELAND SECURITY, ET AL.,

Defendants.

Case No. Civ S-86-1343-LKK

ATTACHMENT 4

(APPEAL TO SPECIAL MASTER OF
DENIAL OF CLASS MEMBERSHIP)

Instructions

Use this form if you wish to appeal a final denial of class membership. Appeals will be decided by a CSS Special Master.

Do not use this form if you have only received a Notice of Intent to Deny your class membership application.

Mail this form, along with a copy of your Class Membership Application and the final denial of your Class Membership Application, to CSS Special Master, PO Box _____.

Fee: With this appeal form you must enclose a check or money order in the amount of \$65 made payable to "CSS Special Master."

If you do not have a copy of your Class Membership Application, mail this form, your final denial, and your check or money order to the Special Master at the address listed above. The Special Master will obtain a copy of your Class Membership Application.

Copy: Be sure to keep a copy of everything that you mail to the CSS Special Master.

Complete the information requested below.

Name _____

Address _____

City _____ State _____ Zip _____

Telephone () _____ INS A number (if any) _____

1) Do you have and have you attached a copy of your Class Membership application form? Yes ☐ No ☐

2) You must attach a copy of the denial of your CSS Class Membership application form. Have you attached a copy? Yes ☐ No ☐

3) You must attach a check or money order payable to CSS Special Master in the amount of \$65.
Have you attached a check or money order as required? Yes / ☐ / No / ☐

If your application for Class Membership was denied because you have a prior criminal conviction, you must attach a check or money order payable to CSS Special Master in the amount of \$125. Have you attached a check or money order as required? Yes / ☐ / No / ☐

4) Explain why you believe your application for Class Membership was incorrectly denied. You are not required to fill in this section, but may do so if you wish. You may attach a separate sheet of paper with your explanation if it is too long to fit on this page.

(Please use additional sheets of paper if you need more space to explain your complaint)

Dated: _____

Signature _____